

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

Case No 1:20-CR-183-RJJ

V

HON. ROBERT J. JONKER

ADAM FOX.

Defendant.

DEFENDANT ADAM DEAN FOX'S
MOTION IN LIMINE TO ALLOW THE ADMISSION OF
CHS DAN'S OUT OF COURT STATEMENTS
PURSUANT TO FRE 801(d)(2)(d).

Now Comes Defendant Adam Fox, by and through Counsel, Christopher M. Gibbons of the Law Offices of Gibbons & Boer, and in support of his motion for the admission of confidential informant CHS Dan's statements states as follows.

1. On February 2, 2022 the Court issued a pretrial order that permitted the admission of CHS statements pursuant to FRE 801(d)(2)(D) only if the statement was directly authorized and closely supervised by a government agent.
2. Trial testimony and the *Jencks* disclosure of a complete record of the direct messages between CHS Dan and SA Jayson Chambers made clear that CHS Dan was at all times directly authorized and closely supervised by SA Chambers.

Wherefore, Adam Fox requests that this Court allow the introduction of CHS Dan's relevant recorded statements and text messages to Adam Fox under FRE 801(d)(2)(D). CHS Dan's relevant text messages to Fox, his recorded in person statements, and statements made on recorded calls were directly authorized and closely supervised by SA Jayson Chambers and the statements are otherwise admissible under established Sixth Circuit law.

Respectfully submitted,

Date: July 12, 2020.

By: /s/ Christopher M. Gibbons
Christopher M. Gibbons
Attorney for Defendant Adam Fox